

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN PHAM, DIANA LAZARTE, MARCO
CUEVAS, VALDAMITRA ANDERSON,
MICHAEL POOLE, and DANIEL FLOWERS,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

REALPAGE, INC.; AVENUE5 RESIDENTIAL,
LLC; BH MANAGEMENT SERVICES, LLC;
CUSHMAN & WAKEFIELD, INC.; EQUITY
RESIDENTIAL; FPI MANAGEMENT, INC.;
GREYSTAR REAL ESTATE PARTNERS,
LLC; LINCOLN PROPERTY CO.; MID-
AMERICA APARTMENT COMMUNITIES,
INC.; SECURITY PROPERTIES INC.;
THRIVE COMMUNITIES MANAGEMENT,
LLC.; and UDR, INC.

Defendants.

No. 2:22-cv-01744

STIPULATED MOTION AND
ORDER SUSPENDING
DEADLINE FOR CERTAIN
DEFENDANTS TO RESPOND TO
COMPLAINT

Pursuant to Local Civil Rules 7(d)(1), 7(j), and 10(g), Plaintiffs John Pham, Diana
Lazarte, Marco Cuevas, Valdamitra Anderson, Michael Poole, and Daniel Flowers
(collectively, "Plaintiffs") and Defendants RealPage, Inc., Avenue5 Residential, LLC, BH
Management Services, LLC, Cushman & Wakefield, Inc., Equity Residential, FPI
Management, Inc., Greystar Real Estate Partners, LLC, Lincoln Property Co., Mid-America
Apartment Communities, Inc., Security Properties Inc., Thrive Communities Management,

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1 LLC, and UDR, Inc. (collectively, the “Stipulating Defendants”), by and through their
2 respective counsel, hereby stipulate as follows:

3 WHEREAS, Plaintiffs filed a Class Action Complaint (the “Complaint”) on December
4 9, 2022. ECF No. 1.

5 WHEREAS, Plaintiffs served the Stipulating Defendants with process on or about
6 January 24 and 25, 2023 and February 3 and 6, 2023.

7 WHEREAS, the Complaint asserts claims under Section 1 of the Sherman Act based on
8 the alleged use of RealPage, Inc.’s revenue management software.

9 WHEREAS, as of the date of this filing, the parties are aware that one or more of the
10 Stipulating Defendants are named in multiple other lawsuits, in District Courts in Arizona,
11 California, Colorado, the District of Columbia, Florida, Massachusetts, Tennessee, Texas, and
12 other cases in Washington, asserting claims under Section 1 of the Sherman Act based on the
13 alleged use of RealPage, Inc.’s revenue management software.

14 WHEREAS, on January 4, 2023, certain Stipulating Defendants and defendants named
15 in other actions filed a motion pursuant to 28 U.S.C. §1407 before the U.S. Judicial Panel on
16 Multidistrict Litigation to transfer this case and others to the U.S. District Court for the
17 Northern District of Texas for consolidated pretrial proceedings;

18 WHEREAS, Plaintiffs and the Stipulating Defendants have conferred and agreed that
19 party and judicial efficiency would be best served by suspending, for a short period of time, the
20 deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to the
21 Complaint.

22 WHEREAS, similar orders have been entered in other related cases subject to
23 Defendants’ MDL Petition, including: *Weaver v. RealPage, Inc. et al.*, No. 1:22-cv-03224 (D.
24 Colo.), *Navarro v. RealPage, Inc. et al.*, No. 2:22-cv-01552 (W.D. Wash.), *Alvarez et al. v.*
25 *RealPage, Inc. et al.*, No. 2:22-cv-01617 (W.D. Wash.), *Cherry et al. v. RealPage, Inc. et al.*,

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27 STIPULATED MOTION AND ORDER SUSPENDING DEADLINE FOR CERTAIN DEFENDANTS TO
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No. 2:22-cv-01618 (W.D. Wash.), *Morgan et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01712 (W.D. Wash.), and *Armas et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01726 (W.D. Wash.);

WHEREAS, Plaintiffs and the Stipulating Defendants have conferred and agree that the deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to the Complaint should be suspended and should be set on the same date as the deadline ultimately established for *Alvarez et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01617 (W.D. Wash.), *Cherry et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01618 (W.D. Wash.), *Morgan et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01712 (W.D. Wash.), and *Armas et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01726 (W.D. Wash.).

WHEREAS, Plaintiffs and the Stipulating Defendants have agreed to file a joint status report with the Court by April 21, 2023.

In making this stipulation, the Stipulating Defendants do not waive, in this or any other action, any (i) defenses or arguments for dismissal that may be available under Fed. R. Civ. P. 12; (ii) affirmative defenses under Fed. R. Civ. P. 8, including defenses based on class action waivers; (iii) other statutory or common law defenses that may be available; or (iv) right to seek or oppose any reassignment, transfer, or consolidated alternatives, including to seek arbitration. The Stipulating Defendants expressly reserve their rights to raise any such defenses (or any other defense) in response to either the Complaint or any original, amended, or consolidated complaint that may be filed in this or any other action.

THEREFORE, Plaintiff and the Stipulating Defendants stipulate and agree to suspend the deadline for the Stipulating Defendants to answer, move to dismiss, or otherwise respond to the Complaint and request that the Court enter the subjoined order pursuant to this stipulation.

STIPULATED to this 10th day of February, 2023.

We certify that this memorandum contains
1,961 words, in compliance with the Local Civil
Rules.

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ORDER

THIS MATTER came before the Court on the parties' Stipulated Motion to Suspend the Deadline for Certain Defendants to Respond to the Complaint. Now, therefore, IT IS HEREBY ORDERED THAT:

The deadline for Defendants RealPage, Inc., Avenue5 Residential, LLC, BH Management Services, LLC, Cushman & Wakefield, Inc., Equity Residential, FPI Management, Inc., Greystar Real Estate Partners, LLC, Lincoln Property Co., Mid-America Apartment Communities, Inc., Security Properties Inc., Thrive Communities Management, LLC, and UDR, Inc. to answer, move to dismiss, or otherwise respond to the Complaint is hereby suspended and shall be set on the same date as the deadline ultimately established for *Alvarez et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01617 (W.D. Wash.), *Cherry et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01618 (W.D. Wash.), *Morgan et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01712 (W.D. Wash.), and *Armas et al. v. RealPage, Inc. et al.*, No. 2:22-cv-01726 (W.D. Wash.).

Plaintiffs and Defendants RealPage, Inc., Avenue5 Residential, LLC, BH Management Services, LLC, Cushman & Wakefield, Inc., Equity Residential, FPI Management, Inc., Greystar Real Estate Partners, LLC, Lincoln Property Co., Mid-America Apartment Communities, Inc., Security Properties Inc., Thrive Communities Management, LLC, and UDR, Inc. shall file a joint status report with the Court by April 21, 2023.

Dated this 13th day of February, 2023.



Robert S. Lasnik
United States District Judge